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Report of Governor of Idaho Territory, 1878

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REPORT

OF THE

GOVERNOR OF IDAHO TERRITORY.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
Boise City, October 16, 1878.

SIR: By last night's mail I received from Prescott, Ariz., your official communication of August 9 last, addressed "Hon. John P. Hoyt, Governor of Idaho Territory, Boise City, Idaho," asking for certain information concerning this Territory, its condition, affairs, &c., for aid in the preparation of your annual report to the President, &c.

The paper is transmitted to me by Governor Hoyt, under date of October 5 instant.

Regretting that the matter came to my notice at so late a day, I will furnish such information and suggestions as may at the present occur to your specific interrogatories:

First. Gold and silver are the leading resources of Idaho. The discovery of its mines induced the first influx of adventurers. Notwithstanding the falling off in production of ores, the search for and developing of mines is the leading industry; all others, including agriculture, are subsidiary to this.

The greater portion of the Territory is impossible of cultivation, by reason of the mountains and of desert plains too elevated to admit of artificial irrigation, as, especially in the middle and southern portion, the summer season is without rainfall. In the northern, sufficient rain descends, as in Oregon and Washington Territory.

In the basins or depressions in the mountains the cultivation of the soil, aided by living streams and melting snows, may be successful.

The valleys traversed by our swiftly-descending rivers, and susceptible of artificial irrigation, yield readily to cultivation; and owing to the peculiar chemical properties of the soil, produce in rich abundance the cereal grains and all manner of vegetables and of fruits; excelling the richest alluvions of the Mississippi Valley.

Timber is mostly found upon the mountains; the valleys and plains being bare; but when watered producing all kinds of deciduous trees readily.

Being cut off from outside markets for want of channels of transportation, there is slight inducement to agricultural enterprise beyond the demands for home consumption. Farming, therefore, waits upon the business of mining. Agriculture, keeping pace with the rise or fall of the mining interest, is profitable. All in excess of the home demand is surplus, without a competing market.

There being no Territorial law requiring returns and reports of mining and agricultural statistics, and no reliable estimate being now attainable through correspondence, reference is invited to the annual reports of the Superintendent of the Mint and of the Commissioner of Agriculture.

This defect in our legislation will be brought to the notice of the general assembly at its coming session.

Second. The character of the soil has already been referred to. The country indicates volcanic origin. The body of the mountain ranges is, apparently, the result of upheavals in a fused state, and the surface covered with crumbling remains, mixed with sand and the remains of scant vegetation. The lower lands along the rivers are of sand and vegetable remains, with alkaline properties so prominent as to often form a white crust upon the surface and impregnate the streams.

This feature refers especially to the sage plains and valleys, where no timber is, rather than to the northern portions.

As to climate, Boise City, the capital, is in latitude $43^{\circ} 37'$ north, and longitude $116^{\circ} 28'$ west, 2,880 feet above sea level. At this elevation the climate is remarkable for mildness. The highest and lowest degrees of temperature reached during four successive years are—

For 1874: July 22, 108° ; February 24, 28° below 0.

For 1875: July 22, 105° ; January 16, 12° below 0.

For 1876: June 18, 105° ; January 21, 2° above 0.

For 1877: June 20, 103° ; January 18, 7° below 0.

Very slight are the snowfalls in the valleys and by the rivers. In higher altitudes the fall is heavy, remaining on the ground in many localities a large portion—in some *all*—of the year.

No enumeration of the *population* has been made since the national census of 1870. The number at that time was 20,588. The vote at the Congressional election of that year was 4,724, with two small counties unreported—say 5,000. The same vote in 1874 was 5,143, and in 1876 4,958. In recent years immigration has comprised a larger proportion of families than then, yet the total at this time cannot be properly stated at over 24,000. Want of access by railroads and by water, and the great distances to be traversed, will for years retard the growth of the country.

Third. Education receives as yet but indifferent attention. For the year 1876, there were reported 77 school districts; 2,777 children between the ages of 5 and 15 years—2,724 in partial attendance upon public schools; \$20,058.42 received from all sources; \$16,590.55 expended. No university, no college, no seminary or high school exists; several private schools are kept. As the 16th and 32d sections of public lands reserved for schools are not available, nothing accrues from that source.

The Territory has no *benevolent* nor *charitable* institutions; no asylums for the unfortunate of any class. The penitentiary is owned and managed by the United States. Territorial prisoners (now 12 in number) are kept for a stipulated price of \$1 per day each, under contract, paid out of the Territorial treasury. They perform no labor. The management is now unexceptionable.

Fourth. The Territorial assembly, under former acts of Congress and the local laws, consists of thirteen members of the council and twenty-six of the house; reduced, however, by act of the last Congress to twelve, and twenty-four, *after* the approaching session. There is no fixed basis of apportionment in numbers; merely approximate, in the discretion of the legislature. The act of Congress referred to requires a reapportionment at our approaching session. Elections are held biennially on Tuesday after the first Monday in November. The qualification of an elector is, to be a citizen of the United States, twenty-one years of age, four months a resident in the Territory, and thirty days in the voting district. Persons under guardianship, insane, *non compos mentis*, or convicted of felony and not restored by pardon, are excluded.

Fifth. The Indian tribes within the Territory consist of the following, with their condition, as nearly as can now be stated :

At the Fort Hall Agency, Bannocks and Shoshones, about 1,500; at the Lapwai Agency, the Nez Percés, about 2,800; at the Lemhi Agency, about 1,000; at the Cœur d'Alène Agency, about 1,000. Reference to the reports of the Commissioner of Indian Affairs and the Board of Indian Commissioners renders unnecessary any effort to inform the Secretary as to general statistics of the tribes.

It is suggested that grave evils follow the practice, under the law, of allowing Indians, armed and mounted, to leave their reservations in large bodies, wandering among the settlements. Their presence in unprotected neighborhoods is always alarming. They often depredate upon meadow-lands, destroy crops, burn fencing, and carry away domestic animals. They levy contributions of supplies under a system of begging which is but another name for *robbery*, the inhabitants fearing to refuse compliance with their demands. Reference to secs. 1839-40, Revised Statutes U. S., 1873, pp. 326, 327, suggests the inquiry whether Indians are not thereby relieved from responsibility to the local laws and the Territorial authorities deprived of that authority for the prevention and punishment of crime which binds the citizen. On a recent occasion a body of armed Indians passed through the settlements for two hundred miles and then engaged in acts of war. Possibly the want of sufficient appropriations for their support at the agencies makes it necessary to send the Indians abroad foraging for supplies, but the danger of sending them out prepared for war has been too well proven.

Whatever policy may be adopted toward the native tribes it cannot be concealed that the steady encroachments of the white settlements are rendering their condition now distressing and their vicinity more dangerous. Seeing themselves surrounded and circumvented, their hunting-grounds overrun, and their means of subsistence cut off, they become desperate, and aggressions and mutual wrongs lead to war.

A partial explanation of the cause of the outbreak of the Bannocks last summer may be found in a sense of injury caused by the neglect of the government, and the encroachments of our people. On this point reference is made to an official communication, herewith furnished (A), in reply to inquiries of Major-General McDowell and Brigadier-General Howard concerning the supposed origin of that disturbance.

It has become evident that our border populations and the Indians cannot dwell near each other in peace under existing relations. The remedy may be found in the division of Indian lands into homesteads inalienable for a safe period of years, the breaking up of tribal relations, the extension of the laws of the United States, of the States and Territories, over them as other inhabitants, the establishment of schools, and the encouragement of the various industries of civilized life, aided for a time by the government; that is to say, making them self-sustaining citizens.

I would remind the Secretary that limited taxation is our only recourse for the support of schools, that the lands reserved for that purpose are not yet at the disposal of the Territorial authorities, and that probably not one-fourth of the reserved sections will ever have appreciable value. I am not aware whether there be any example of appropriations by Congress in aid of schools in the Territories, in money in lieu of such lands, and suggest only the fact that further resources seem necessary.

Idaho, being inland and mountainous, is practically without water communication. A difficult and obstructed outlet is found on the borders of Northern Idaho, through Lower Snake River, into the Columbia. The

extreme roughness of the surface, and the rapid descent of the streams, render canals and slack-water navigation impossible.

The same causes render the construction of turnpikes and common highways difficult, and compel the following of circuitous routes, so that in traveling from one part of the Territory to another other States and Territories are traversed. For example, members of the general assembly from Lemhi County, about one hundred and sixty miles in a direct line, are paid mileage for 1,124 miles each way, to and from the capital, passing through Montana, Wyoming, and Utah, while members from Northern Idaho, instead of 130 miles by direct route, receive mileage for 610 miles, their route being through the Territory of Washington and the State of Oregon. Owing to these difficulties of travel, the thirty-nine members of the general assembly, upon their own estimate, are paid the sum of \$4,451.20 for 22,256 miles' travel, coming and returning. Neither appropriations from the Territorial treasury nor contributions by the people can be relied upon for many years to open channels of communication between the portions of the Territory thus separated.

Congress has been frequently memorialized to grant aid to such objects. It is suggested for mere inquiry whether the extra cost of transportation by pack-trains across the mountains, and for hundreds of miles by wagons around through Oregon and Washington, incurred by the Army during last summer's Indian campaign, would not have fully paid an appropriation by Congress, so often prayed for, to build a substantial and easy military road from Fort Boise to Fort Lapwai.

These facts, involving questions of enormous charges for freights inland, and the difficulty of immigration to this Territory, suggest the imperative necessity for the construction of railroads, and the policy of liberal grants of lands now unsalable and impossible of settlement, and of other aids by the general government. Like the tens of millions of swamp and overflowed lands donated to the Mississippi Valley States to secure their reclamation and settlement, is it not equally good policy to devote a portion of the great and now inaccessible plains of this Territory to a similar purpose? It is true that railroads create a commerce, plant populations, and erect great commonwealths which without them are impossible.

I respectfully recommend a thorough revisal and consolidation of the laws governing the Territories, securing greater uniformity, applying to all the same rules in their management, defining more carefully the rights and limitations of local legislation, and holding officers to stricter accountability; and in order that their multifarious interests may have ampler care, it is suggested that Territorial Delegates might be properly allowed a vote in the House of Representatives, particularly on subjects relating to Territorial affairs.

The debt of the Territory October 31, 1876, was, in coin, \$74,386.45; outstanding warrants, \$56,606.82; total, \$130,993.27; a large portion of the coin debt was in twelve per cent. bonds, past due, with interest unpaid, not worth ninety cents on the dollar. At the session of 1876-'77 they were refunded in fifteen-year ten per cent. bonds. The interest is now promptly paid, and the bonds at par in gold. The warrant debt has gone up from seventy to eighty cents on the dollar, and is being reduced at a satisfactory rate. The debts of the counties are also diminishing. It is hoped that judicious legislation at the coming session will still further tend to the restoration of the credit of the Territory.

For the fiscal year 1875-'76 the receipts into the treasury were \$71,351.06; the expenditures, \$55,496.30.

Regretting that so little time is afforded for preparation, the foregoing is submitted in partial, hasty response to the inquiries proposed.

Very respectfully, your obedient servant,

M. BRAYMAN,
Governor of Idaho.

Hon. CARL SCHURZ,
Secretary of the Interior.

EXHIBIT A

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
Boise City, June 13, 1878.

SIR: In reply to your inquiry into the claim of the Bannocks to Big Camas Prairie, in Alturas County, I have the honor to refer to the *treaty between the United States of America and the Eastern Band of Shoshones and the Bannock tribe of Indians*, concluded July 3, 1868, ratification advised February 16, 1869, found on page 931 of "Revision of Indian Treaties," published 1873. Article 2 (p. 933) provides that "it is agreed that whenever the Bannocks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country which shall embrace reasonable portions of *Port Neuf* and *Kansas Prairie* countries; and that, when this reservation is declared, the United States will secure to the Bannocks the same rights and privileges therein, and make the same and like expenditures therein for their benefit, except the agency house and residence of agent, in proportion to their numbers, as herein provided for the Shoshone Reservation."

Article 6 (last paragraph, p. 935) provides that "*the President* may at any time order a survey of these reservations, and when so surveyed, Congress shall provide for protecting the rights of the Indian settlers in their improvements and may fix the character of title held by each."

Very liberal provisions are made for the acquirement of homesteads, the protection of private rights, the establishment of schools, and the encouragement of agriculture.

It seems to be understood that "*Kansas*" prairie is a misprint, there being no prairie of that name west of the mountains, and that "*Camas*" Prairie is meant. The Indians understand it thus; and, without exception or doubt, insist that the Big Camas Prairie is theirs by that treaty. In proof of the sincerity of this belief, it is true that they have each year during the season for digging camas roots and hunting, resorted in great numbers to and occupied this tract of country. The camas root is, to them, the equivalent of our potato; and it grows spontaneously in vast quantities on these grounds. I have been visited by a great number of Indians who uniformly claim Camas Prairie as their *garden*. They declare their right by this treaty. Whether the word should be "*Kansas*" or "*Camas*," these Indians did, evidently, in making the treaty of 1868, and do now, in their verbal way, confirmed by their unbroken practice, understand Camas Prairie to be rightfully theirs.

These Indians state that the climate and soil on the *Fort Hall Reservation* are not adapted to the raising of vegetables, and say that Camas Prairie is their garden, without which they would suffer hunger; for the dried and pulverized root of the camas is easily transported, and is capable of preservation through all seasons. To lose Camas Prairie is considered by them the loss of their only sure and abundant supply of vegetable food.

The increasing wants of our advancing population have for years invited increasing encroachments upon this prairie. Herders crowd upon it with thousands of cattle, destroying the product, and bands of hogs that dig up the roots, destroying not only the growing crop but the seed of the future. This process advances in proportion each year; and the discontent and resentment of the Indians become more bitter and dangerous.

Left to itself, this condition of things tends to collision and bloodshed, which, in savage casuistry, is war.

It does not appear that the President has, as provided in the treaty stipulations, formally set apart Camas Prairie to the use of these Indians or directed its survey, nor that Congress has acted on the subject. If it was the intention of the parties to the treaty to set apart Camas Prairie to the use of these Indians, as they claim, it lies with the President and Congress to carry that understanding into effect. If *not*, it should be so declared and early steps taken to advise all parties of the right of the matter.

It is at this late day evidently better that the Indian claim, if recognized, should be extinguished in fair equivalents under a new arrangement, and the land in question surveyed and opened to settlement. Stock-raising and the constant passage of im-

mense droves of animals over the prairie to market render its exclusive use by the Indians impossible, and plant in the midst of our growing settlements an ever-threatening danger.

During the long and unwise delay, the conditions have changed, and if the national authorities would they cannot now with safety, and with hope of peaceful results, confirm the Indians' claim.

I respectfully furnish you these facts and suggestions for your present information in aid of such representations as it may be your duty to make to the superior authority, only adding an urgent appeal that the matter be definitely and distinctly settled at an early day.

Very respectfully, your obedient servant,

M. BRAYMAN,
Governor of Idaho.

Brig. Gen. O. O. HOWARD,
Commanding Department of the Columbia.